

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MATTHEW X. WINTERS,

Plaintiff,

Case No. 24-cv-251-pp

v.

D. MCDONALD, *et al.*,

Defendants.

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**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO PAY INITIAL  
PARTIAL FILING FEE AND COMPLY WITH COURT'S ORDER**

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On February 28, 2024, the court ordered that by the end of the day on March 20, 2024, plaintiff Matthew X. Winters must either pay an initial partial filing fee of \$21.51 or explain why he could not do so. Dkt. No. 5. The court advised the plaintiff that if it “[did] not receive either the \$21.51 or a letter asking for more time to pay it by the end of the day on March 20, 2024, the court [would] dismiss the lawsuit without prejudice and the plaintiff will still owe the \$350 filing fee.” Id. at 4 (emphasis omitted).

On March 15, 2024, the court granted the plaintiff's motion for an extension of the deadline to pay the initial partial filing fee. Dkt. No. 8. The court recounted that the plaintiff had written a letter explaining that he would be released from incarceration on March 12, 2024 and that he was “unable to pay the required fee prior to that date.” Id. (quoting Dkt. No. 7). The court granted the plaintiff's request and extended his deadline to pay the \$21.51 initial partial filing fee to May 4, 2024. Id. The court explained that its staff had updated the plaintiff's address based on the information included on CCAP. Id. But the court

advised the plaintiff that “it is his responsibility to inform the court of his new address; if the plaintiff fails to keep the court updated as to his location, the court may dismiss the case for the plaintiff’s failure to diligently pursue it.” Id.

The May 4, 2024 deadline has passed, and the court has not received the initial partial filing fee or a request from the plaintiff for additional time to do so. Nor has the plaintiff confirmed his address or provided the court with a different address. The court sent its March 15, 2024 order to the plaintiff at the address listed for him on CCAP; that order was not returned to the court as undeliverable and the court has no reason to believe the plaintiff did not receive it. The court has not heard from the plaintiff since March 13, 2024, when it received his request for an extension of time to pay the filing fee. The court will enforce its March 15, 2024 order and will dismiss this case without prejudice for the plaintiff’s failure to pay the initial partial filing fee. The plaintiff remains obligated to pay the entire \$350 filing fee.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff’s failure to pay the initial partial filing fee and to comply with the court’s order. The clerk will enter judgment accordingly.

The court **ORDERS** that under 28 U.S.C. §1915(b)(1), the plaintiff is required to pay the mandatory \$350 statutory filing fee.

Dated in Milwaukee, Wisconsin this 24th day of May, 2024.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**Chief United States District Judge**